



See original

The standing claim 1 sets out from Document 1 (WO 95/21393 A1 = PCT/DE9500124) and describes according to the evaluation on p. 3/1st par. a scanning microscope with detection of spontaneous sample emission at elevated local resolution, in which the simulation light beam of hollow configuration surrounds the excitation light beam and the emission stems from the central focus. Since in the case of the very small focus dimensions the relative adjustment of the simulation light beam and especially its hollow configuration is especially critical with reference to the excitation light beam, the standing claim 1 is addressed to the problem of simplifying this relative adjustment. The solution is achieved in that the elements responsible for the focus position of the stimulation light beam are preadjusted and combined within one module, this module being adjustable relative to the excitation light beam.

On the state of the art, in addition to Document 1, documents 2 and 3 are named; of these disclosures:

- Document 2 (DE 196 33 185 A1) describes a beam uniter for polychrome lasers usable for simulated emission, which is configured as a monolithic unit to avoid frequent readjustments (as in conventional arrangements) and is adjustable as such.

- Document 3 (DE 199 14 049 A1) beam shaping elements for a laser scanning microscope in the form of objectives which are combined in one modular unit and can be manipulated as a unit independently by itself as regards adjustment.

The examiner does not see himself at present in a position to acknowledge the level of invention in the standing claim 1, because – setting out from document 1 – The disclosures 2 and 3 which likewise suggest the field of scanning microscopy, combine in one module the elements responsible for particularly critical adjustment problems and then adjusts them separately by themselves.

Also the standing claim 11 cannot convey any level of invention because its specifics only repeat the features of the generic part of the claim and distinguishes itself from them in any case only in that several optical elements are to be provided.

If the applicant believes he can see in the original disclosure any combination of features going beyond the previous state of the art, he is requested to direct his patent claims thereto and to submit claims which convey a clear technical teaching. The level of invention of the newly to be submitted claim 1 would then have to be thoroughly grounded. Moreover, the applicant is requested, with regard to the formation of the hollow focus to explain the action of the $\pi/2$ plate and especially the action of the LCD element which is called phase-changing.

With the present documents a grant cannot be made.

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